

74-7046. Liability of licensed land surveyor. (a) A land surveyor, licensed pursuant to article 70 of chapter 74 of the Kansas Statutes Annotated, and amendments thereto, and such surveyor's authorized agents and employees may enter upon lands, waters and premises of a party who has not requested the survey when it is necessary for the purpose of making a survey. If the licensed surveyor has made a reasonable attempt to notify the person in possession, such entry shall not be deemed a trespass. Upon notice, such person in possession has the right to modify the time and other provisions of the surveyor's access upon notification to the surveyor, as long as such modifications do not unreasonably restrict completion of the survey. Nothing herein shall change the status of the licensed surveyor as an occupier of land.

(b) While conducting surveys, the licensed surveyor and such surveyor's authorized agents and employees shall carry proper identification as to such surveyor's licensure or employment and shall display such identification to anyone upon request.

(c) Neither the landowner nor the person in possession shall be liable for any injury or damage sustained by a licensed surveyor or such surveyor's authorized agents and employees entering upon such land, water or premises under the provisions of this section, except when such damages and injury were willfully or deliberately caused by the landowner or person in possession.

(d) Nothing in this section shall be construed to:

- (1) Remove civil liability for actual damage to such lands, waters, premises, crops or personal property;
- (2) give the licensed surveyor or such surveyor's authorized agents and employees the authority to enter any building or structure used as a residence or for storage; and
- (3) remove civil or criminal liability for intentional acts of injury or for damages to the surveyor or authorized agents and employees.

History: L. 2004, ch. 129, sec. 1; July 1.